AUS 1 3 2003

In re the Application of:

EDWIN C. SLAGEL

Serial No.: 10/080,566

Filed: February 25, 2002

For: **IMPACT RESISTANT**

> POLYURETHANE AND METHOD OF MANUFACTURING THEREOF

IN THE UNITED STATES PATENT AND TRADEMARK OF THE ELIVED

AUG 18 2003

1 C 1700

Art Unit: 1711

Examiner: MULLIS, JEFFREY C.

DECLARATION UNDER 37 CFR 1.132

Honorable Assistant Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

- I, Robert Fogarty, a research scientist employed by Simula, Inc., declare as follows:
- I submit this declaration in support of the above-referenced application, which has been assigned to Simula, Inc.
- I am familiar with the disclosure of U.S. Patent No. 6,127,505 (the '505 patent), 2. which is also assigned to Simula, Inc.
- The claims of the present application are directed to a polyurethane material made 3. from a prepolymer containing a triol in an amount equal to 0.06 to 0.15 equivalents based upon a total of 1.0 equivalents of OH-containing intermediates.
- The '505 patent discloses polyurethane materials containing a triol in an amount of 4 to 8% by weight based on total reactants.
- Polyurethane materials containing a triol in an amount equal to 0.06 to 0.15 equivalents, as claimed in the present application, are less brittle than materials that contain a triol in an amount of 4 to 8% by weight based on total reactants, as disclosed in the '505 patent.

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6. For example, whereas a polyurethane containing 1.22 weight percent trimethyol propane (corresponding to 0.15 equivalents in this example) is somewhat brittle, a polyurethane containing 4.27 weight percent trimethylol propone would be extremely brittle.

- 7. Nothing in the '505 patent discloses or suggests this result, which is unexpected.
- 8. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I am aware that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

By:

Respectfully submitted,

Date: July 21, 2003

Robert Fogarty